

§211.13

33 CFR Ch. II (7-1-12 Edition)

§211.13 Approval of the Office of the Chief of Engineers.

In any case in which it may be necessary or advisable in the execution of an authorized project to exchange real property of the Government for real property required for such project, the Chief of Engineers receives a directive from the Secretary of the Army, and effects the exchange through the Division Engineers, Corps of Engineers.

REAL ESTATE CLAIMS

AUTHORITY: Sections 211.14 through 211.24 issued under R.S. 161; 5 U.S.C. 301.

SOURCE: 13 FR 8749, Dec. 30, 1948, unless otherwise noted.

§211.14 Definition.

The term *real estate claims* refers to those demands for payment submitted by individuals, partnerships, associations or corporations, including States, territories, and political subdivisions thereof, for rent, damages, utilities, out-of-pocket expenses and other payments, arising under the terms and conditions, whether express or implied, of leases or other contracts for the use and occupancy of real estate by the Department of the Army or the Army, including right of entry permits, options to purchase, and other instruments sufficient to support a contractual relationship between the United States and property owner, or arising from the use and occupancy of real estate by the Department of the Army or the Army with the express or implied consent of the owner thereof in the absence of any formal lease or other contract therefor.

§211.15 Statutory provisions.

(a) All claims and demands whatever against the Government, unless there is some special authority for the settlement thereof by the department concerned, shall be settled and adjusted in the General Accounting Office (see R.S., sec. 236, as amended by act of June 10, 1921, 42 Stat. 24; 31 U.S.C. 71).

(b) *Meritorious Claims Act.* When there is filed in the General Accounting Office a claim or demand against the United States that may not lawfully be adjusted by the use of an appropriation theretofore made, but which claim or demand in the judgment of the Com-

troller General of the United States contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit the same to the Congress, by a special report containing the material facts and his recommendations thereon (act of April 10, 1928; c. 334, 45 Stat. 413; 31 U.S.C. 236).

(c) *Limitations of time on claims and demands under (a) and (b) of this section.* The act of October 9, 1940 (54 Stat. 1061; 31 U.S.C. 71a) provides that every claim or demand (except a claim or demand by any State, Territory, possession or the District of Columbia) against the United States cognizable by the General Accounting Office under the act of June 10, 1921, and the act of April 10, 1928, will be forever barred unless such claim, bearing the signature and address of the claimant or of an authorized agent or attorney, will be received in said office within ten full years after the date such claim first accrued: *Provided, however,* That when such a claim of any person serving in the military or naval forces of the United States accrues in time of war, or when war intervenes within five years after its accrual, such claim may be presented within five years after peace is established. The act further provides that whenever any claim barred by the preceding provision will be received in the General Accounting Office, it will be returned to the claimant, with a copy of this act (act of October 9, 1940) and such action will be a complete response without further communication.

(d) *Domestic Claims Act.* The act of July 3, 1943 (57 Stat. 372; 31 U.S.C. 223b, 223c) as amended by the act of May 29, 1945 (Pub. L. 67, 79th Congress) and as further amended by the act of June 28, 1946 (Pub. L. 466, 79th Congress), provides for the payment of claims arising on or after May 27, 1941, for damage to or loss or destruction of property, real or personal, caused by military personnel or civilian employees of the Department of the Army or of the Army while acting within the scope of their employment or otherwise incident to noncombat activities of the Department of the Army or of the Army, including claims for damages to real property incident to the use and occupation thereof, whether under a lease,